

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

CLAUDIUS TAYLOR, JR.,

Plaintiff,

v.

Case No. 06-C-0364

JO ANNE B. BARNHART,

Defendant.

ORDER

On March 27, 2006, plaintiff Claudius Taylor, Jr. ("Taylor") filed a complaint seeking review of a decision of the Commissioner of Social Security denying plaintiff's application for Social Security Disability benefits. Taylor also filed a motion for leave to proceed *in forma pauperis*.

The court denies the plaintiff's motion for leave to proceed *in forma pauperis*. The federal *in forma pauperis* statute, 28 U.S.C. § 1915, is designed to ensure indigent litigants meaningful access to the federal courts. *Neitzke v. Williams*, 490 U.S. 319, 327 (1989). To authorize a litigant to proceed *in forma pauperis*, the court must first determine that the litigant is unable to pay the costs of commencing the action. 28 U.S.C. § 1915(a). Second, the court must determine that the action is neither frivolous nor malicious, does not fail to state a claim, and does not seek money damages against a defendant immune from such relief. 28 U.S.C. § 1915(e)(2). In making the latter determination, the court must give a *pro se*

plaintiff's allegations, "however inartfully pleaded," a liberal construction. *Haines v. Kerner*, 404 U.S. 519, 520 (1972).

The court is unable to conclude that the plaintiff is unable to pay the costs of commencing this action. The plaintiff indicates that he will earn \$1,317 per month in April or May 2006 for Social Security Disability benefits.¹ The plaintiff indicates that his monthly expenses total \$171.00. Given the difference between his income and his expenses, the court does not find that the plaintiff is unable to pay the filing fee in this action.

Accordingly,

IT IS ORDERED that the plaintiff's motion for leave to proceed *in forma pauperis* be and the same is hereby **DENIED**; the plaintiff shall pay the filing fee in this action within forty (40) days from the date of this order or the court shall dismiss this action without prejudice.

Dated at Milwaukee, Wisconsin, this 30th day of March, 2006.

BY THE COURT:

s/J.P. Stadtmueller

J.P. STADTMUELLER
U.S. District Judge

¹The plaintiff does not explain how these benefits relate to this claim that he was denied Social Security Disability benefits.